U.S. Department of Transportation
Federal Highway Administration

Oregon Department of Transportation

OR 62: I-5 to Dutton Road (Medford)
Jackson County, Oregon
Federal-Aid Number X-NH-S022(022)
ODOT Key Number #13226

U.S. Department of Transportation, Federal Highway Administration
and
Oregon Department of Transportation

April 2013

A. DECISION

This Record of Decision (ROD) describes the Federal Highway Administration's (FHWA's) decision to select the SD Alternative with Design Option C, identified as the Preferred Alternative in the FEIS, as the Selected Alternative for the OR 62: I-5 to Dutton Road Project. The basis for this decision is provided in the OR 62: I-5 to Dutton Road Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS).

The FHWA has determined that the requirements of the National Environmental Policy Act of 1969 have been satisfied for the OR 62: I-5 to Dutton Road project. FHWA approved the FEIS on April 22, 2013. The US Environmental Protection Agency published the Notice of Availability in the Federal Register on May 3, 2013). The 2012 DEIS and the 2013 FEIS discuss the development of alternatives for the project, narrow the choice of alternatives for environmental evaluation, assess impacts of the alternatives advanced for environmental evaluation, and identify a preferred alternative for the project. These documents, which are incorporated herein by reference, can be viewed and downloaded from: **http://www.oregon.gov/ODOT/HWY/REGION3/pages/hwy62_index**.

After considering each proposed alternative's impacts to the human environment using the social and natural sciences to evaluate the impacts and input received from stakeholders, the FHWA selects the "Preferred Alternative" for implementation. The Oregon Department of Transportation, the Citizen Advisory Committee (CAC), and the Project Development Team (PDT) for the project support the selection of the Preferred Alternative.

The precise amount of Section 6(f) lands that would be converted with construction of the full build alternative will be determined through close coordination between ODOT, the National Parks Service, the Oregon State Parks and Recreation Department, and Jackson County. Currently, analysis based on records from Jackson County estimates that 1.3 acres of Section 6(f) land would be converted, while records from the National Park Service indicate that 1.6 acres of Section 6(f) land would be converted. Regardless of the precise amount of Section 6(f) land converted, appropriate replacement property will be identified and agreed upon by all appropriate parties, following this Record of Decision and prior to construction which would convert the Section 6(f) lands.

The following sections contain a description of the Selected Alternative, other alternatives considered, and decision criteria. Other sections of this ROD discuss the Section 4(f) finding, measures to minimize harm, and the monitoring of mitigation and conservation measures.

DESCRIPTION OF THE SELECTED ALTERNATIVE (PREFERRED ALTERNATIVE)

The Selected Alternative is the Split Diamond (SD) Alternative with Design Option C, identified in the DEIS as ODOT's Recommended Alternative and in the FEIS as the Preferred Alternative. Chapter 2 of the FEIS provides a complete description of the Preferred Alternative. The map set included in Figure 2-4 FEIS in Chapter 2 of the FEIS depicts the Preferred Alternative alignment and design details. After public and agency comments were fully considered and evaluated, the project's CAC and PDT recommended the SD Alternative with Design Option C as the Preferred Alternative.

The Selected Alternative consists of a new 7.5-mile, four-lane, access-controlled bypass extending from the existing OR 62 interchange with I-5 in Medford to approximately Dutton Road north of White City. The Selected Alternative consists of the following elements:

- four interchanges:
  - » a new split diamond interchange at I-5 and existing OR 62;
  - » a tight diamond interchange with Vilas Road, about 3 miles north of I-5;
  - » an interchange with existing OR 62 on the south side of White City, about 5 miles north of I-5; and
  - » a northern terminus interchange with existing OR 62 near Dutton Road.
- four 12-foot travel lanes (two in each direction), a 10-foot center median, and 8-foot shoulders, which will also serve as a bikeway/walkway;
- an overcrossing of I-5, Biddle Road, Hilton Road, and Bullock Road, parallel to existing OR 62;
- an overcrossing of Commerce Drive;
- termination of Coker Butte Road in a cul-de-sac at the bypass;
- widening of Vilas Road from three lanes to five lanes between existing OR 62 and Table Rock Road;
- local street modifications in the vicinity of the Vilas Road interchange:
  - » Enterprise Drive will be extended in two locations;
  - » Helo Drive will terminate in a cul-de-sac at Vilas Road; and
  - » a new local street will be built connecting the east end of Helicopter Way to Vilas Road.
- Justice Road will terminate in a cul-de-sac on both sides of the bypass, with emergency access gates to enable emergency vehicles to enter or leave the bypass;
- Gregory Road will terminate in a cul-de-sac just west of its current intersection with Agate Road and east of its current intersection with existing OR 62;
- displacement of Agate Road between existing OR 62 and Avenue G by the new bypass;
- an overcrossing to carry the bypass over Antelope Road;
- Leigh Way and Avenue A will terminate in cul-de-sacs at the bypass;
- 11th Street will be improved to Jackson County standards between Antelope Road and Avenue G;
- 14th Street will be improved to Jackson County standards and extended south of Avenue F;
- a viaduct structure above Agate Road north of Avenue G to carry the bypass;
- realignment of West Dutton Road to the north;
- a new local road located along the west and northwest edge of the VA SORCC property lines and cross over the bypass to connect to the realigned West Dutton Road;
- East Dutton Road will terminate in a cul-de-sac at existing OR 62; and
- a new local road will be built to connect East Dutton Road to residences east of existing OR 62 near the northern terminus of the bypass.

The Selected Alternative (identified as the Preferred Alternative in the FEIS) elements described above include several modifications to the SD Alternative with Design Option C that was studied in the DEIS, which were made to avoid or reduce environmental impacts or reduce project cost. The following modifications were made to the Selected Alternative following comments received on the DEIS:

- The bypass will cross over Commerce Drive on an elevated structure. Commerce Drive will continue to serve as the main access road to the United States Citizenship and Immigration Services (USCIS) facility and other commercial facilities located on the eastern edge of the Rogue Valley International-Medford Airport, as it does today. The SD Alternative would have closed this connection and instead included a new local access roadway connecting to these facilities from Vilas Road via Airway Drive. This local roadway will not be included in the Preferred Alternative.
- The Vilas interchange included in the SD Alternative in the DEIS would have included a single point urban interchange (SPUI) design. The Selected Alternative does not include a SPUI for the Vilas Road interchange and, instead, consists of a tight diamond interchange design. This change was made to reduce project cost.
- A new local street has been added to the SD Alternative. It will be an extension of Enterprise Drive between Industry Drive and Airway Drive to provide access for several properties that will no longer have access to Vilas Road via Industry Drive.

- The Justice/Gregory connector road, which, under the SD Alternative, would have run from Justice Road to Gregory immediately west of and parallel to the bypass, has been eliminated from the project and will not be built. This change was made to reduce project cost. ODOT will install gates to allow emergency vehicle access between the bypass and the Justice Road cul-de-sacs on both sides of the bypass.

The estimated cost to construct the Selected Alternative is $370 to $440 million, including right-of-way costs. The costs of the Selected Alternative are in 2023 dollars, the projected construction year.

JTA Phase

The 2009 Oregon Jobs and Transportation Act, HB 2001, included $100 million in funding for construction of the OR 62 Project. The funds are insufficient to pay the entire cost of the Selected Alternative. Accordingly, the JTA funding will be used for an initial construction phase. The DEIS and FEIS refer to the initial phase as the JTA phase.

Chapter 2 of the FEIS provides a complete description of the JTA phase. The map set included in Figure 2-9 FEIS in Chapter 2 of the FEIS depicts the JTA phase alignment and design details.

The JTA phase consists of the following elements:

- a directional interchange with OR 62 east of Poplar Drive;
- four 12-foot travel lanes (two in each direction), a 10-foot center median, and 8-foot shoulders, which will also serve as a bikeway/walkway;
- an overcrossing of Commerce Drive;
- termination of Coker Butte Road in a cul-de-sac at the bypass;
- an overcrossing of Vilas Road;
- Justice Road will terminate in a cul-de-sac on both sides of the bypass with emergency access gates to enable emergency vehicle to enter or leave the bypass;
- a signalized intersection at the northern terminus of the JTA phase in the vicinity of the existing intersection of Agate Road and OR 62;
- Agate Road will no longer connect to existing OR 62, but will allow a movement from Agate Road southbound to the bypass southbound;
- an extension of Crater Lake Avenue north to Gregory Road on the east side of OR 62;
- Corey Road will terminate at Crater Lake Avenue and will not connect to OR 62;
- an extension of Fowler Lane to connect to OR 62; and
- a realignment of Crater Lake Avenue at Fowler Lane to allow adequate spacing between the intersections of Fowler Lane with Crater Lake Avenue and with OR 62.

The JTA phase elements described above include modifications that were made since receiving comments on the DEIS. The following modifications were made to the JTA phase:

- The JTA phase will also include the Commerce Drive overcrossing described above and the elimination of the airport access road that was included in the JTA phase studied in the DEIS.
- The JTA phase will also eliminate the Justice/Gregory connector and include the emergency access gates on both sides of the bypass as Justice Road as described above.
- The northern terminus of the JTA phase has been modified. A left turn lane from OR 62 northbound onto the bypass has been added to the intersection of the bypass with existing OR 62. On the east side of OR 62, Crater Lake Avenue will be extended north to East Gregory Road and Corey Road and East Gregory Road will intersect with Crater Lake Avenue, but not with OR 62. To replace the connections to OR 62 that East Gregory and Corey Roads now provide, Fowler Lane will be extended to intersect with OR 62. Crater Lake Avenue will be rerouted between Lotus Lane and Corey Road to separate its intersection with Crater Lake Avenue from its intersection with OR 62.

The estimated cost to construct the JTA phase is $120 to $150 million, including right-of-way costs, in 2014 dollars.

Subsequent phases of the Selected Alternative have not yet been identified due to financial constraints. When adequate funding is available for phases subsequent to the JTA phase, those federally-funded phases will include appropriate NEPA consideration, likely beginning with a re-evaluation of this FEIS and ROD.

B. ALTERNATIVES AND DESIGN OPTIONS CONSIDERED

The build alternatives considered in the DEIS included the SD Alternative and the DI (Directional Interchange) Alternative, as well as three design options, Design Options A, B, and C. The SD Alternative with Design Option C was identified as the Selected Alternative following the release of the DEIS, the public hearing and consideration of comment received on the DEIS. The following describes the other alternatives and design options that were evaluated in the DEIS. Section 2.3 of Chapter 2 documents alternatives that were considered but were not further evaluated in the DEIS.

No Build Alternative

With the No Build Alternative, the bypass would not be constructed. OR 62 would continue to operate as it does today. Improvements to other roadways in the project area that are identified in the fiscally constrained portion of the Rogue Valley Metropolitan Planning Organization (MPO) 2009-2034 Regional Transportation Plan (RTP), as shown in Table 2-1 of the FEIS, would be built under the No Build Alternative.

DI Alternative

The DI Alternative would only differ from the SD Alternative in the area of the southern terminus. The DI would not include the split diamond interchange with I-5. Instead, the DI Alternative would terminate in a directional interchange with existing OR 62 located immediately east of Poplar Drive. The DI Alternative would also result in grade separation of the intersection of OR 62 with Poplar Drive and improvements to local roadways in the area of the southern terminus to provide access to businesses that would have had access removed due to the construction of the directional interchange on OR 62.

North of approximately Commerce Drive, the DI Alternative would be identical to the SD Alternative.

Design Options

Between approximately Justice Road and Gregory Road, three design options were evaluated in the DEIS. FEIS Figure 2-6 shows the design options. The Selected Alternative follows the alignment of Design Option C, which generally runs due north from the Vilas Road interchange before turning slightly eastward to align with Agate Road. The primary differences among the design options were the amount of wetland and vernal pool impacts and impacts to businesses located along the west side of OR 62 between Justice Road and Agate Road.

Design Option A

Design Option A would have turned slightly to the east at approximately Justice Road and then continued north and parallel to Design Option C, approximately 1,200 feet east of the alignment for Design Option C. Design Option A would have turned slightly to the east again as it approached Gregory Road to align with Agate Road.

Design Option B

Design Option B was intended to avoid several wetlands and vernal pools located in the area between Justice Road and Gregory Road. Like Design Option A, Design Option B would have turned slightly to the east at approximately Justice Road and then continued north before turning slightly east to align with Agate Road. Design Option B would have been located approximately 300 feet east of Design Option A. Design Option B impacted fewer wetlands and vernal pools, but impacted businesses along the west side of OR 62.

JTA Phase

The JTA phase evaluated in the DEIS also included the three design options as described above. Design Option C was selected as the Preferred Alternative for the JTA phase as well as for the full project.

CRITERIA USED FOR THE DETERMINATION OF THE SELECTED ALTERNATIVE

Based on the DEIS and comments from the public and local, state, and Federal agencies, ODOT and FHWA have identified the SD Alternative with Design Option C as the Selected Alternative. The Selected Alternative performs better and achieves the Project Purpose and Need better than the DI Alternative and the No Build Alternative. In addition to performing better, the Selected Alternative has lower impacts to some natural and built environment resources. The differences in impacts between the alternatives and design options are described in greater detail in Chapters 3 and 4 of the EIS. Although there are some cases where the Selected Alternative has greater impacts to specific natural or built environment resources, the difference in those impact levels is not great enough to substantially outweigh the benefits of the Selected Alternative.

This section first explains the rationale for identifying the SD Alternative versus the No Build and DI Alternatives, then explains the rationale for identifying Design Option C versus Design Option A or Design Option B.

The reasons described below for the identification of the SD Alternative with Design Option C as the Selected Alternative rely on the numerical comparisons in Tables 2-10 to 2-15, which are from the DEIS. They do not rely on the numerical comparisons in Chapter 3 of this FEIS, because the SD Alternative with Design Option C was identified as the Preferred Alternative based on the contents of the DEIS. In addition, the numerical comparisons in Chapter 3 of the FEIS reflect changes to the impacts of the SD Alternative and Design Option C due to refinements to the designs subsequent to the publication of the DEIS. Such refinements have not been made to the DI Alternative or Design Options A or B since they were not selected as the Preferred Alternative.

Rationale for Identification of the SD Alternative as the Selected Alternative

FHWA and ODOT have identified the SD Alternative as the Selected Alternative for the following reasons.

1. The No Build Alternative does not meet the Project Purpose and Need, and, for the reasons described below, the SD Alternative achieves three of the four Project Purpose and Need criteria described in Chapter 1, better than the DI Alternative: deficient roadway system hierarchy/linkage, intersection operations and corridor congestion, and safety. The SD Alternative and DI Alternative perform equivalently for the fourth need criterion, non-motorized transportation modes.
    - **Deficient Roadway System Hierarchy/Linkage.** The SD Alternative better meets the need for a roadway system hierarchy because it separates local and through traffic for the entire length of the bypass, while the DI Alternative mixes local and through traffic in the vicinity of the southern terminus of the bypass.
    - **Intersection Operations and Corridor Congestion.** The SD Alternative will improve intersection operations and reduce corridor congestion more than the DI Alternative or the No Build Alternative. By 2035, the SD Alternative is forecast to increase average PM peak-hour speed compared to the No Build Alternative by 153 percent for northbound trips and 135 percent for southbound trips. These compare to 107 percent and 124 percent under the DI Alternative.
    - **Safety.** Both build alternatives would improve traffic safety compared to the No Build Alternative by diverting traffic from existing OR 62 onto the bypass and by reducing congestion at intersections, providing larger gaps for traffic turning onto or from local streets and driveways, and reducing the number of intersections and driveways blocked by traffic queues. Section 3.1.3.2 of the DEIS said that the DI Alternative may increase safety more than the SD Alternative, due to the fact that the DI Alternative would divert more traffic onto the bypass than the SD Alternative, and fewer instances of queuing blockages at existing OR 62 intersections over the entire length of the corridor are forecasted under the DI Alternative (18 vs. 25 in 2035). However, further analysis indicates that traffic volumes on existing OR 62 at the I-5 Interchange and immediately north of it are forecast to be much higher under the DI Alternative than under the SD Alternative (66,100 vs. 60,700 between the southbound and northbound I-5 ramps; and 70,500 vs. 51,500 between the northbound I-5 ramps and Poplar Drive in 2035). This is where crash rates are now the highest. In addition, one queuing blockage is forecast at the interchange in 2015 under the DI Alternative and two are forecast in 2035; no queuing blockages in the interchange area are forecast under the SD Alternative in either year. Fewer queuing blockage and lower traffic volumes often correlate to lower crash rates.

2. The SD Alternative will avoid the severe reductions in connections to and from commercial land uses near the southern terminus that would occur under the DI Alternative.
3. In some cases, the SD Alternative would have lesser impacts to a number of natural and built environment resources than the DI Alternative. These include fewer residential and commercial displacements, fewer changes to existing driveways, and shorter northbound travel times. Although there are some cases where the SD Alternative would have greater impacts than the DI Alternative, the difference in impact levels is relatively minor and ODOT will mitigate for many of those impacts.

Rationale for Identification of Design Option C as Part of the Selected Alternative

FHWA and ODOT have identified Design Option C as part of the Selected Alternative based on a comparison of impacts. Design Options A, B, and C would be the same in achieving the elements of the Project Purpose and Need listed above. The three Design Options have different impacts to different resources and no single option minimizes all impacts to all resources. In identifying Design Option C as part of the Selected Alternative, FHWA and ODOT weighed the benefits of Design Option C's lesser impacts to certain resources against Design Option C's greater impacts to other resources and concluded that Design Option C is the most appealing for the following reasons.

- The number of acres of EFU land impacted by Design Option C directly and indirectly will be lower than under either Design Option A or B and these impacts cannot be mitigated
- Design Option C will impact less riparian habitat than Design Options A or B
- Design Option C will cause fewer commercial displacements than Design Option B.

The impacts of Design Options A, B, and C not mentioned here are similar.

C. SECTION 4(F) FINDING

The OR 62: I-5 to Dutton Road does not require an individual Section 4(f) evaluation. The project includes the following Section 4(f) *de minimis* findings:

- April 15, 2013, Bear Creek Greenway.
- April 16, 2013, planned Midway Park.
- April 16, 2013, Denman Wildlife Area.
- December 16, 2011, David Cingcade House and Barn Complex.

Each FHWA Section 4(f) *de minimis* finding is included in Appendix E of the FEIS.

D. MEASURES TO MINIMIZE HARM

All practicable measures to minimize harm have been incorporated into the Selected Alternative.

FEIS MITIGATION COMMITMENTS

Following is a summary of mitigation measures for the OR 62: I-5 to Dutton Road project as described in the FEIS. The mitigation measures are hereby made to be part of the project and will be complete with the delivery of the project. Measures are grouped by environmental subject area and are further defined to indicate which measures will be incorporated into the JTA phase, which measures will be incorporated into the JTA phase and subsequent phases, and which measure will be incorporated into phases subsequent to the JTA phase.

Transportation

JTA Phase

- To guide access decisions in implementation of the JTA Phase, ODOT will prepare an AMS[1] for the northern terminus intersection, which will be similar to the AMS ODOT has prepared for the southern terminus interchange. The AMS for the southern terminus

[1]ODOT uses AMSs to promote safe and efficient travel of both local and long distance users along a roadway, typically by restricting traffic movements and consolidating, relocating, or closing approaches to achieve adopted access management standards.

interchange provides for the closure, consolidation, or modification of most driveway and local street connections to OR 62 at or near the interchange. This will improve mobility and safety to reduce crashes at the southern terminus interchange.

- The project design allows U-turns on OR 62 at Poplar Drive/Bullock Road under the JTA phase.
- The project design removes the intersections of Gregory Road and Corey Road with existing OR 62 and replaces them with an intersection of Fowler Lane and existing OR 62 to increase spacing between OR 62 intersections and reduce congestion between the north terminus intersection of the bypass with existing OR 62 and the intersection of OR 62 with OR 140.
- The project design realigns Crater Lake Avenue near the northern terminus to separate the intersections of Fowler Lane with Crater Lake Avenue and existing OR 62.
- The project design includes gates at the cul-de-sacs where Justice Road terminates on both the east and west sides of the bypass to allow emergency vehicles to enter or leave the bypass, providing for better emergency response times.
- The project design provides for bicycle access to and egress from the bypass at the north and south termini.

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will allow bicycles and pedestrians on the shoulders of the bypass. The shoulders of the bypass will not be striped because, under Oregon State law, striping for bicycles prohibits pedestrian use and the intent is to allow use by both pedestrians and bicyclists.
- ODOT will convene a committee beginning in early 2013 to discuss implementation of projects recommended by the Transit Subcommittee listed in Appendix M, Recommendations for Transit and Non-Motorized Transportation.
- ODOT will mitigate for operational issues arising from the incursion into the RPZ, including design changes to the Preferred Alternative that will minimize the placement of objects within this zone. ODOT will continue coordination efforts with the FAA and Medford Airport.

Preferred Alternative Subsequent to Construction of the JTA Phase

ODOT will develop an IAMP for the Vilas Road Interchange before it is constructed, in collaboration with the City of Medford and Jackson County.

Project Construction

- ODOT will prepare a traffic management plan for project construction. The traffic management plan will provide for detours, flaggers, time-of-day lane closure restrictions, weekend closure restrictions, staging plans, detour identification, ADA compliance, and provision of local access.
- ODOT will prepare a public involvement plan to inform and engage those affected by project construction. This plan will include a project website to provide current information on construction activities.

Land Use

JTA Phase

- ODOT will secure the completion of land use actions prior to construction of the JTA phase located north of the Medford Urban Growth Boundary, to comply with the Statewide Planning Program.
- Where the bypass will cross EFU land, ODOT will design the bypass to avoid impairing soil drainage, including installation of drainage trenches or culverts where practical and appropriate.

Preferred Alternative Subsequent to Construction of the JTA Phase

ODOT will secure the completion of necessary land use actions prior to construction of the remaining phase or phases of the Preferred Alternative, to comply with the Statewide Planning Program.

Right-of-Way

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- All real estate needed to construct and operate the project will be acquired following the applicable FHWA policies, directives, and guidance regarding the purchase of property rights for highway use and consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC Chapter 61). ODOT will determine

just compensation for the required real estate interests based on an appraisal, residual damages, the cost to cure damages, and other relevant items as determined by the agency.

- ODOT will provide relocation assistance to displaced residents and businesses consistent with the applicable FHWA policies and directives and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC Chapter 61).

Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will complete a cost/benefit analysis to determine if a public, ODOT-maintained road is necessary to provide an approach road to 7930 Agate Road, which will be landlocked by the Preferred Alternative. Including this approach road as part of the project will eliminate the need to purchase the entire property, enable the parcel to continue to be used for business purposes, and eliminate most, if not all, of the estimated nearly $800,000 in damages to parcel 361W17C1200.
- ODOT will design the West Dutton Road overpass to avoid the removal of a 10-unit condominium industrial building located at 732 West Dutton Road (parcel number 361W17AA301, shown in Figure 3.3-15 FEIS). This design will require shifting the local roadway to the west approximately 50 to 70 feet onto the adjoining vacant industrial land.
- ODOT will shift the proposed approach road planned to connect between the West Dutton Road overpass and the property at 636 to 658 West Dutton Road to the south (shown in Figure 3.3-15 FEIS) in order to avoid impacting the property at 636 to 658 West Dutton Road.
- ODOT will relocate the public water storage tank located at 500 West Dutton Road to a location suitable for continued use by the fire department.

Socioeconomics

JTA Phase

The terms and agreements between ODOT and the City and County by which ODOT transfers jurisdiction of bypassed sections of existing OR 62 could potentially mitigate the fiscal impact on the City and the County for the cost of maintenance.

JTA Phase and Preferred Alternative Subsequent to the Construction of the JTA Phase

- ODOT has updated the design for the Preferred Alternative and the JTA phase to include and emergency vehicle-only access between the bypass and Justice Road on the west and east sides of the bypass.
- ODOT will continue to coordinate with Jackson County Fire District No. 3 and other emergency services in the area to ensure that emergency response times will not be adversely impacted.

Preferred Alternative Subsequent to the Construction of the JTA Phase

ODOT will accommodate access to the Jackson County Fire District White City Headquarters Station property at Agate Road and Avenue G by constructing the bypass on a viaduct above Agate Road in the area of the station.

Project Construction

- ODOT will maintain local access for emergency vehicles at all times throughout construction.
- ODOT will limit temporary lane closures to nighttime and other off-peak times whenever possible. Some lane closures will run over several days.
- ODOT will coordinate with law enforcement, emergency responders, and area business owners in planning detours and road closures.
- ODOT will provide notice of planned construction activities, planned temporary road closures and detours, and changes in other access routes.
- ODOT will maintain local access to businesses and residences at all times throughout construction. There will be some nighttime closures when businesses are closed.
- ODOT will include temporary directional signage to assist customers to locate businesses during construction.

Parks, Recreational Facilities, and Wildlife Refuges

Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will construct a new parking lot and check station for the Denman Wildlife Area on the north side of the Hall Tract, at the southern end of 11th Avenue.

- ODOT will provide directional signage to guide visitors to the new parking lot location for the Denman Wildlife Area.
- ODOT will restore the existing Denman Wildlife Area parking lot site with native vegetation.
- ODOT will work with the Rogue Valley Audubon Society to incorporate measures to avoid and mitigate impacts on birds where the bypass is adjacent to the Hall Tract.
- ODOT will minimize the impact to the Bear Creek Greenway by using retaining walls instead of fill slopes wherever practical.
- In the area where the Bear Creek Greenway trail is located on the west side of I-5, ODOT will shift the Bear Creek Greenway trail slightly to the west to ensure that the recreational uses are not impacted.
- ODOT will replace the existing Greenway path bridge located on the east side of I-5 with one located farther east. ODOT will also rebuild the path to connect to the new bridge. The new bridge and path connections will be built prior to removing the existing bridge over Bear Creek to allow the path to remain open during the bridge realignment work.
- ODOT will require that during project construction, path closures will last one day or less, and will be minimized to the greatest extent possible. Such closures will only occur when necessary to ensure public safety, such as when materials are being hoisted overhead or when overhead construction activities occur. Short-term path closures, such as when construction crews need to temporarily stop path traffic to allow construction equipment to cross the path, will last 15 minutes or less and will also be minimized.
- ODOT will coordinate with the City of Medford and Greenway representatives to develop a schedule for path closures and will advertise those closures to the public in advance. To the greatest extent possible, such closures will be scheduled for times when the path is less heavily used.
- During project construction, ODOT will provide directional signage for alternate northbound and southbound routes around the closed segments of the path.
- As required by Section 6(f) of the LWCA, prior to construction of a phase that would impact the Bear Creek Greenway, ODOT will provide land to replace the approximately 1.3 to 1.6 acres (depending upon outcome of Section 6(f) status for parcels) of Bear Creek Greenway land that was acquired and/or developed with LWCA funds.
- ODOT will include improved directional signs on nearby roads to guide cyclists and pedestrians to and from the Bear Creek Greenway trail.
- In the vicinity where the OR 62: I-5 to Dutton Road project intersects with the Bear Creek Greenway trail, ODOT will improve navigational signage on the local street network to help bicyclists and pedestrians find a safe route to the Bear Creek Greenway trail.
- In places where the Bear Creek Greenway trail will be realigned, ODOT will ensure that the new segments preserve the recreational experience, including avoiding sharp turns and designing gentle curves that are in harmony with the existing topography and landscape.
- In places where the Bear Creek Greenway trail will be realigned, ODOT will construct the new segments using techniques and materials that will avoid future upheavals or potholes created by tree roots or soil movement.
- In places where there will be new construction or ground disturbance near the Bear Creek Greenway, ODOT will install landscaping that is native to Bear Creek to screen the new construction and cover the disturbed ground.
- ODOT will design all new bridges over Bear Creek to be visually compatible with the surroundings, using pigments to darken concrete, adding texture to large expanses of concrete, and avoiding use of bare galvanized metal on railings, sign posts, or light posts that are visible from the Bear Creek Greenway.
- ODOT will build a noise barrier between the planned Midway Park and I-5 to mitigate for the displacement of a planned noise-reducing berm.
- ODOT will continue to coordinate with the Medford Parks department to ensure that any design changes to the project do not impact plans to develop Midway Park.

Cultural Resources

Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will design any necessary lighting near the Camp White Station Hospital, either on the bypass or on the nearby local road, to minimize glare and impacts on the VA SORCC.
- ODOT will design any local street overpasses, signage, guard rails, or fences to avoid or minimize visual impacts on the VA SORCC.
- ODOT will minimize right-of-way impacts to the Cingcade Complex property by using a retaining wall rather than a cut slope where practical.

- If unevaluated archaeological materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will cease and the historic materials will be protected until a qualified archaeologist could assess the nature and significance of the find.
- If human remains are discovered, all earth moving activity related to the Project will cease immediately. The immediate area surrounding the find will be protected and the state police and Regional Archaeologist will be contacted.
- If archaeological resources are discovered during construction, further research of the site and coordination with the State Historic Preservation Office will be necessary. ODOT's Standard Specifications for Highway Construction includes measures that are intended to safeguard potential archaeological sites that may be inadvertently discovered during construction.

Visual Resources

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will establish a project aesthetic committee to obtain local input and recommendations on the variety of form, color, and texture treatments for proposed features, as well as vegetation treatments associated with the proposed project.
- ODOT will incorporate context sensitive solutions in its designs and consider materials and colors that complement or harmonize with the immediate or background setting. This could include using the extensive palette of rich colors that are currently found around the floor, hills, buttes and mountains of the Rogue Valley. ODOT will select guardrails, light posts, signs, and other items that will cause the least amount of visual intrusion.
- ODOT will design overcrossing structures so their scale will not overwhelm the surrounding context.
- ODOT will design roadway lighting so that it does not negatively impact nearby residents or patients at the VA SORCC, by selecting and directing lights so that the roadway and sidewalks are adequately illuminated while shielding residences from the light. ODOT will also select and aim lights to minimize the intrusion of light into the night sky.
- ODOT will preserve as much existing vegetation as possible and maximize the use of new plants and trees to screen the project and enhance the visual environment with patterns that are consistent with the surrounding vegetation. ODOT will use plants and trees that are native to the immediate area wherever practical.
- ODOT will utilize native flora for landscaping to help retain the character of the place.

Water Quality and Storm Water Runoff

JTA Phase

- ODOT has developed a Stormwater Management Plan for the JTA phase that details how ODOT will implement water quality and flow control BMPs (ie: bioretention ponds and water quality planters).
- ODOT will treat 22.4 acres of non-ODOT runoff that is within the project vicinity to mitigate for the 3.6 acres of contributing impervious area that is not being treated.

Preferred Alternative Subsequent to Construction of the JTA Phase

ODOT will develop Stormwater Management Plans for any construction phases subsequent to the JTA phase.

Natural Systems and Communities

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

All new and replacement culverts will be dual box culverts. These dual box culverts will be designed to be either 2.2 or 1.5 times the active channel width and will have both a low flow channel for normal flows and a high flow channel to accommodate high-water events. The high flow channel will be dry most of the time, allowing animals up to the size of a deer to cross under the bypass.

Wetlands and Other Waters

JTA Phase

ODOT will mitigate off-site for all direct wetland impacts anticipated from the JTA phase by preserving and enhancing wetlands at the KPMS described in Section 3.12.4.1. The KPMS is expected to yield 30 mitigation credits. One mitigation credit can mitigate for up to 1 acre of permanent wetland impacts. The 30 mitigation credits will be more than enough to offset the 13.6 acres of anticipated wetland impacts resulting from construction of the

JTA phase. Mitigation credits in excess of those needed for the JTA phase project will be retained for future phases of the OR 62: I-5 to Dutton Road project (see below).

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will minimize the overall project footprint near wetlands and waters by incorporating steepened side slopes or mechanically stabilized earth retaining walls where warranted.
- ODOT, where appropriate and feasible, will design the project to maintain local surface hydrology patterns supporting wetlands and waters.
- ODOT will minimize disturbance at wetland crossings.
- ODOT will restore with native wetland species and control re-establishment of invasive species at stream crossings and along the project alignment.

Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT plans to mitigate for the wetland impacts of phases of the Preferred Alternative subsequent to construction of the JTA phase using mitigation credits from the KMPS mitigation site referenced above. As stated above, the KMPS is expected to yield more than enough mitigation credits for the JTA phase. Mitigation credits remaining after mitigation of the JTA phase will be used to mitigate the impacts of later phases of the Preferred Alternative. Should additional mitigation credits be needed, ODOT has the option to purchase mitigation credits from the Wildlands vernal pool mitigation bank or may use forthcoming mitigation credit releases from ODOT's existing vernal pool mitigation bank. In short, ODOT has an abundance of mitigation options available to mitigate impacts to vernal pool species.
- ODOT will avoid concentrated discharges or disruptions of surface and subsurface hydrology that could disrupt existing hydrologic balance of avoided wetlands.

Project Construction

- ODOT will identify all wetland and water crossings in the field prior to construction.
- Wetlands that can be avoided will be marked off as "no work areas."
- As appropriate, ODOT will schedule construction activities near wetlands and waters so that they occur during the drier months of the year (July through September).

Threatened and Endangered Species

JTA Phase

ODOT will mitigate off-site for all 1.4 acres of direct impacts on vernal pools and 2.9 acres of indirect impacts on vernal pools anticipated from the JTA phase in accordance with the March 14, 2013, USFWS Highway 62 BO referenced in Section 3.13.3.1.

ODOT is developing the 116-acre KPMS, described in 3.12.4, to provide off-site mitigation for project impacts to vernal pool-associated ESA species, including vernal pool fairy shrimp, Cook's lomatium, and large-flowered woolly meadowfoam. The March 14, 2013, USFWS Highway 62 BO applies mitigation ratios for impacts on vernal pool habitat that were developed in accordance with the Programmatic Formal Consultation on the U.S. Fish and Wildlife Service's Vernal Pool Conservation Strategy for Jackson County, Oregon (PFC) (USFWS 2011) and in accordance with state and federal regulations administered by the Corps and DSL.

Based on these mitigation ratios, ODOT will use 8.6 mitigation credits at the KPMS to mitigate for the 4.3 acres of vernal pools impacted by the JTA phase. This is a mitigation ratio of one mitigation credit per 0.5-acre of vernal pool impact.

The KPMS is expected to yield approximately 30 mitigation credits, where one mitigation credit can mitigate for up to one acre of direct or indirect vernal pool impacts. Consequently, the 30 mitigation credits will be more than sufficient to mitigate for the anticipated vernal pool impacts from the JTA phase, as well as the wetland impacts addressed in Section 3.12.5.1. Mitigation credits in excess of those needed for the JTA phase will be retained for subsequent phases of the OR 62: I-5 to Dutton Road project.

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

Aquatic Species and Habitat

- ODOT has mitigated for anticipated riparian habitat impacts, per the ODFW Habitat Mitigation Policy, through advanced mitigation coordinated by the Oregon Watershed Enhancement Board. ODOT contributed $10,000 for a riparian restoration project along the mainstem of Little Butte Creek. The project provided approximately six acres (approximately 3,300 lineal feet) of riparian habitat mitigation, which exceeds the estimated 3.5 acres of riparian impacts from the Preferred Alternative. This project began in

2010 and included removing invasive species, planting native vegetation along the creek, and installing fencing to preclude cattle from entering the riparian zone.

- ODOT will only conduct in-stream work during the ODFW approved in-water work window of June 15 through September 15, unless expressly authorized by ODFW and NMFS.
- ODOT will establish all in-stream work areas as regulated work areas. All vehicles and equipment will be prohibited from entering regulated work areas without the prior authorization of the Project Manager.
- ODOT will isolate all in-stream or near-stream work areas from the active stream flow, both upstream and downstream of the work area, using temporary water management facilities unless otherwise approved in writing by appropriate regulatory agencies through the Project Manager.
- ODOT will provide access to regulated in-stream work areas to ODOT, ODFW, and qualified and permitted consultant personnel to remove fish trapped within the isolated work areas, as directed.
- If pumps are used for water diversion, ODOT will operate the pumps as needed up to 24 hours a day during the diversion to prevent de-watering the stream downstream of the diversion. A back-up pump will be kept available in the event of failure of the primary pump. All pumps will be screened to prevent the entrapment of fish, according to ODFW/NMFS screening criteria.
- ODOT will provide full containment to prevent construction materials and waste from entering the aquatic environment for work on over-water structures.
- ODOT will manage turbidity levels in waters of the state or U.S. in accordance with ODOT Technical Services Bulletin GE-09-03(B).
- ODOT will restore stream banks to natural slope, pattern, and profile suitable for establishment of permanent woody vegetation where practical.
- ODOT will replant disturbed slopes with appropriate, native, riparian species, in compliance with an approved site restoration plan.

Terrestrial Wildlife Species and Habitat

- ODOT will secure Corps and DSL permits to allow the necessary permanent filling and temporary disturbance of vernal pools. ODOT will work with the agencies to develop adequate vernal pool protection and mitigation measures.
- ODOT will develop a project-specific, on-site restoration plan to address temporarily-impacted vernal pool complex habitat within construction areas. Monitoring of site restoration and mitigation activities will comply with ODOT policies and established regulatory agency requirements. Monitoring of site restoration areas will be detailed in the plan, including annual reporting requirements, native species mix compliance, and noxious weed control requirements.
- ODOT will monitor construction activities to minimize impacts to listed species and their habitat within the regulated work area. ODOT will identify all vernal pool complexes in the field prior to construction, establish fenced exclusion zones around vernal pool complexes to be preserved to prevent equipment encroachment during construction, prohibit the discharge of pollutants of any kind into wetlands and vernal pool complexes, and prohibit the disposal of construction debris or rubble from the demolition of existing structures within any vernal pools.
- ODOT will time construction within and adjacent to vernal pools during the dry season of the year from July to November, corresponding to the dormant period for vernal pool fairy shrimp.
- At the KPMS site referenced in the first bullet item under JTA phase mitigation commitments above, ODOT will:
  - » incorporate applicable BMPs prescribed in the PFC into a vernal pool complex mitigation plan for the site;
  - » prohibit off-road driving at the site and implement an aggressive integrated pest management program for noxious weeds control;
  - » develop a comprehensive monitoring and reporting program for actions taken at the site, in compliance with its mitigation/conservation bank annual reporting obligations to the Corps and USFWS. Monitoring will comply with ODOT policies and specifications and use standard templates and will be submitted to regulatory agencies following established procedures.
- ODOT will establish exclusion zones around ESA plant populations and suitable habitat to be preserved with construction fencing to restrict equipment encroachment during construction.

Plant Species and Habitat

- To the extent practicable, ODOT will retain the undisturbed portion of the Cook's lomatium population to preserve the genetic variability of this southern-most population, by removing the topsoil (seedbank) from the impacted area and stockpile for restoration purposes during initial clearing and grubbing activities. ODOT will replace this topsoil post-construction (spread to original thickness), where appropriate and feasible within the ODOT right-of-way, outside of the roadway facility.
- ODOT will establish a population of 3,400 Cook's lomatium and 200 large-flowered woolly meadowfoam at the KPMS site to supplement the existing population or establish a new population. ODOT will do this by propagating seeds from, or planting cuttings from, Cook's lomatium and large-flowered woolly meadowfoam obtained from project areas where temporary impacts will occur.
- ODOT will incorporate long-term monitoring at the KPMS that advances knowledge about Cook's lomatium and large-flowered woolly meadowfoam, as recommended in the USFWS Draft Recovery Plan for Wet Prairie Species (USFWS 2006).
- ODOT will nominate remaining ESA-listed plant populations within the new right-of-way where practicable for Special Management Area status to manage suitable listed plant populations following construction. ODOT will establish fenced exclusion zones around rare plant populations and suitable habitat to be preserved to prevent equipment encroachment during construction.

Preferred Alternative Subsequent to Construction of the JTA Phase

Impacts to vernal pool-associated ESA species resulting from future phases of the OR 62: I-5 to Dutton Road Project will be mitigated per the ratios and amounts stipulated in the March 14, 2013, USFWS Highway 62 BO or PFC, whichever are greater. ODOT plans to mitigate for the vernal pool impacts of phases of the Preferred Alternative subsequent to the JTA phase using credits from the KPMS that remain after mitigation of impacts of the JTA phase. Should more mitigation credits be needed than are available from the KPMS, ODOT will have the option to purchase mitigation credits from the Wildlands vernal pool mitigation bank or use forthcoming mitigation credit releases from ODOT's existing vernal pool mitigation bank.

Subsequent phases of the Preferred Alternative are estimated to impact an additional 4.3 acres of direct and indirect impacts to vernal pool habitats, requiring an estimated 9.8 mitigation credits. This is a ratio of one mitigation credit per 0.44-acre of vernal pool impacted. This ratio is higher than the mitigation ratio for the JTA phase because the vernal pools impacted by the subsequent phases are higher in quality than the vernal pools impacted by the JTA phase. The USFWS reserves the option to revise the PFC, which could require higher a mitigation ratio for future project phases.

Non-Threatened and Endangered Species

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will conduct tree-clearing activities outside the migratory bird nesting season (approximately March 1 – September 1) in compliance with the Migratory Bird Treaty Act. If clearing is necessary during the bird nesting season, a qualified biologist will survey the clearing areas for migratory bird nests prior to clearing. Nests containing eggs or young (active nests) will be avoided.
- ODOT will design all culverts to be fish passable with approved fish passage plans that meet Oregon's fish passage requirements.
- All new and replacement culverts will be dual box culverts. These dual box culverts will be designed to be either 2.2 or 1.5 times the active channel width and will have both a low flow channel for normal flows and a high flow channel to accommodate high-water events. The high flow channel will be dry most of the time, allowing animals up to the size of a deer to cross under the bypass.

Invasive Species

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will use mulches, topsoil, and seed mixes that are free of noxious weeds.
- ODOT will inspect and clean construction equipment prior to entering the construction area and prior to leaving the construction area.
- ODOT will use integrated pest management strategies if noxious weeds begin to spread. Integrated strategies offer the best results and could include biological, manual, and chemical controls specific to the invasive target species.

- ODOT will monitor the finished build alternative to ensure that noxious weeds do not regain their foothold in the area. The monitoring period will be long enough to ensure establishment of all new mitigation and landscape areas. Thresholds will be appropriate for invasive cover. An adaptive management plan will be developed to ensure that appropriate actions are taken to ensure successful eradication of noxious weeds.
- ODOT will use regionally native plants for landscaping and restoration.

Air Quality

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will cover stockpiles and apply water (or other dust suppressant material) to exposed soil;
- ODOT will restrict the size of active piles to the extent practicable;
- ODOT will cover trucks used for material transport or use dust suppressant on material in trucks to reduce material escape during transport;
- ODOT will prevent trucks and shovels from dumping material at excessive heights;
- ODOT will maintain roadways;
- ODOT will sweep paved areas to remove deposited particulate matter;
- ODOT will wash construction vehicles;
- ODOT will route and schedule construction vehicles to reduce delays to traffic during peak travel times; and
- ODOT will take appropriate measures to reduce the chance of airborne asbestos if there is any activity near or around buildings that have the potential to contain asbestos.

Noise

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will include standard project specifications (290.32) in the project contract to mitigate for construction noise impacts.
- If a specific noise impact complaint is received during construction, the contractor may be required to implement one or more of the following noise mitigation measures at the contractor's expense, as directed by the construction project manager:
  - » Locate stationary construction equipment as far from nearby noise sensitive properties as feasible.
  - » Shut off idling equipment.
  - » Reschedule construction operations to avoid periods of noise annoyance identified in the complaint.
  - » Notify nearby residents whenever extremely noisy work will be occurring.
  - » Install temporary or portable acoustic barriers around stationary construction noise sources.
  - » Operate electrically powered equipment using line voltage power or solar power.

Energy

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will minimize the number of hauling trips by using full trucks to and from the site;
- ODOT will use recycled materials when possible, so that energy is not used to create new products;
- ODOT will use regional products whenever possible to reduce the distance materials travel; and
- ODOT will reuse construction signage, barriers, lighting, and other common materials to reduce energy in the production of materials.

Geology

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- For all locations where the project will be built on fill slopes or overpasses, ODOT will design and construct these project elements to meet current seismic hazard standards.
- ODOT will design and construct all retaining walls, embankment fills, cut slopes, and bridge abutments with appropriate temporary and permanent erosion and/or scour control measures to minimize potential for erosion and slope instability in accordance with ODOT, AASHTO, and FHWA guidelines.

- ODOT will pay special attention to turbidity control due to the clay-rich soils. This will be achieved by using filter cloths and vehicle tracking controls for site work, treating dewatering water with flocculants, if necessary; and properly discharging the treated waters to ground away from wetlands or, with authorization, to sanitary sewers.

Hazardous Materials

JTA Phase and Preferred Alternative Subsequent to Construction of the JTA Phase

- ODOT will complete a Level 2 Preliminary Site Investigation (PSI) for all purchased properties which the Level 1 Site Investigation identified as having known hazardous materials or the potential for hazardous materials.
- ODOT will prepare a Contaminated Media Management Plan (CMMP) and incorporate it into construction bid documents and implement the CMMP for project construction activities, specifically near areas of known or potential contamination.
- Pending results of the Level 2 PSI and right-of-way negotiations, ODOT will consider complete site remediation as necessary.
- For all facilities or residences that would be relocated or demolished, ODOT will coordinate with DEQ to assure proper handling and disposal of regulated materials.

E. MONITORING OR ENFORCEMENT PROGRAM

To comply with the Biological Opinions from NMFS and from USF&WS, FHWA and ODOT will complete monitoring and reporting as identified in each Biological Opinion to confirm that the Biological Opinions meet the objectives of minimizing take and adverse effects to listed species. The Biological Opinions are included in Appendix G of the FEIS.

All mitigation measures from this ROD will be entered into the ODOT Environmental Commitment Tracking System. This system allows ODOT and FHWA to track the implementation of mitigation measures during and after construction. A copy of the tracking sheet will be part of the plans and specifications in the construction office. The information will be readily available to all construction and inspection personnel. All monitoring activities will comply with the ODOT Biology Monitoring Guidance and Field Monitoring Protocols as discussed in ODOT Technical Bulletin GE09-04 (b).

RECORD OF DECISION APPROVAL

This project qualifies for the joint issuance of the FEIS and Record of Decision, consistent with MAP-21. Additional documentation supporting this decision is included in the project file.

Based on the systematic, interdisciplinary analysis contained in the OR 62: I-5 to Dutton Road FEIS, careful consideration of social, economic, and environmental factors, and input received from other agencies, organizations, and the public, FHWA approves the SD Alternative with Design Option C as the Selected Alternative for the OR 62: I-5 to Dutton Road project.

Phillip A. Ditzler

Oregon Division Administrator

Federal Highway Administration

April 22, 2013

Date